

## **REMARKS**

Claims 21-40 were examined and reported in the Office Action. Claim 21 is amended. Claims 21-40 remain. Applicant requests reconsideration of the application in view of the following remarks.

### **I. 35 U.S.C. § 103(a)**

**A.** It is asserted in the Office Action that claims 21-23, 26, 31, 32, 34, and 35 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over U. S. Patent 6,394,507 issued to Baker ("Baker"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142

[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that 'rejections on obviousness cannot be sustained with mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.' *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

Further, according to MPEP §2143, "[T]he Supreme Court in *KSR International Co. v. Teleflex, Inc.* 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1395-1397 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper "functional approach" to the determination of obviousness as laid down in *Graham*." And, according to MPEP §2143.01, [o]bviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006). Further, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." *KSR*

*International Co. v. Teleflex, Inc.* 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1396 (2007).

Additionally, according to MPEP §2143

[a] statement that modification of the prior art to meet the claimed invention would have been “well within the ordinary skill of the art at the time the claimed invention was made” because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Pat. App. & Inter. 1993).

Applicant notes that Figure 2 of Baker is simply an alternative embodiment with regards to the embodiments of Figures 1, 8 and 9. As can be seen, the employment of two separate half-rings has not been considered by Baker as inventive on its own account. Baker only intended to exchange the “monolithic hubs 12 and 12a” by “interfitting members” (see Baker, column 8, line 65 to column 9, line 3). Baker didn’t even see fit to incorporate the two separate half rings in any of the claims. It is therefore, unreasonable to believe that an ordinary person skilled in the art would replace the two half rings with a resilient split ring. Further, Baker teaches away from Applicant’s claimed invention by teaching a metal-to-metal sealing engagement. And, if Baker was to change the invention to make a mounting ring of resilient material, it would remove the requirement of a metal-to-metal seal engagement, which would obviate the purpose of Baker’s invention and would change the principle of operation (see MPEP 2143.01 VI, “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)).

Moreover, Baker does not teach, disclose or suggest Applicant’s claim 21 limitations of

a single gasket, a resilient mounting ring, and a mounting flange having a coned shaped inner surface, wherein the mounting ring is elastically expandable and is integrally formed with an outer cone-shaped surface and with an inner rib, the rib fits into said groove upon elastically expanding the ring over a pipe to hold the ring affixed to the pipe when tightened towards the counter-flange, the pipe coupling connects the pipe to a counter-flange associated with another pipe in a sealed manner, and the pipe is formed with a circumferential groove.

Further, the assertions made in the Office Action on page 3 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP 2143 cannot be found. Additionally, since Baker does not teach, disclose or suggest all the limitations of Applicant's amended claim 21, as listed above, Applicant's amended claim 21 is not obvious over Baker in view of no other prior art since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from amended claim 21, namely claims 22-23, 26, 31, 32 and 34-35, would also not be obvious over Baker in view of no other prior art for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claims 21-23, 26, 31, 32, 34, and 35 is respectfully requested.

**B.** It is asserted in the Office Action that claim 24 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker, and further in view of U. S. Patent 1,942,489 issued to Pfefferle ("Pfefferle"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

Applicant's claim 24 indirectly depends on amended claim 21. Applicant has addressed Baker above in section I(A) regarding amended claim 21.

Pfefferle is relied on for disclosing a split ring. Even if Pfefferle is combined with Baker, the resulting invention would still fail to teach, disclose or suggest Applicant's amended claim 21 limitations of

a single gasket, a resilient mounting ring, and a mounting flange having a coned shaped inner surface, wherein the mounting ring is elastically expandable and is integrally formed with an outer cone-shaped surface and with an inner rib, the rib fits into said groove upon elastically expanding the ring over a pipe to hold the ring affixed to the pipe when tightened towards the counter-flange, the pipe coupling connects the pipe to a counter-flange associated with another pipe in a sealed manner, and the pipe is formed with a circumferential groove.

Further, the assertions made in the Office Action on page 6 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP 2143 cannot be found. And, since neither Baker, Pfefferle, and therefore, nor the combination of

the two, teach, disclose or suggest all the limitations of Applicant's amended claim 21, as listed above, Applicant's amended claim 21 is not obvious over Baker in view of Pfefferle since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that indirectly depends from amended claim 21, namely claim 24, would also not be obvious over Baker in view of Pfefferle for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claim 24 is respectfully requested.

C. It is asserted in the Office Action that claim 25 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker, and further in view of U. S. Patent 5,779,285 issued to Robinson ("Robinson). Applicant respectfully traverses the aforementioned rejection for the following reasons.

Applicant's claim 25 directly depends on amended claim 21. Applicant has addressed Baker above in section I(A) regarding amended claim 21.

Robinson is relied on for disclosing a ring is made of plastic materials. If Robinson is combined with Baker the resulting invention would teach away from Baker's purpose of having a metal-to-metal sealing engagement. Moreover, even if Robinson is combined with Baker, the resulting invention would still fail to teach, disclose or suggest Applicant's amended claim 21 limitations of

a single gasket, a resilient mounting ring, and a mounting flange having a coned shaped inner surface, wherein the mounting ring is elastically expandable and is integrally formed with an outer cone-shaped surface and with an inner rib, the rib fits into said groove upon elastically expanding the ring over a pipe to hold the ring affixed to the pipe when tightened towards the counter-flange, the pipe coupling connects the pipe to a counter-flange associated with another pipe in a sealed manner, and the pipe is formed with a circumferential groove.

Further, the assertions made in the Office Action on page 7 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP 2143 cannot be found. And, since neither Baker, Robinson, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claim 21, as

listed above, Applicant's amended claim 21 is not obvious over Baker in view of Pfefferle since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly depends from amended claim 21, namely claim 25, would also not be obvious over Baker in view of Robinson for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claim 25 is respectfully requested.

**D.** It is asserted in the Office Action that claim 27 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker, and further in view of U. S. Patent 3,381,983 issued to Hanes ("Hanes"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

Applicant's claim 27 indirectly depends on amended claim 21. Applicant has addressed Baker above in section I(A) regarding amended claim 21.

Hanes is relied on for disclosing a rib is of a generally saw-tooth shape having a right-angled side and a beveled side. If Hanes is combined with Baker, the effect of adding a split-ring would obviate Baker's invention. Further, even if Hanes is combined with Baker, the resulting invention would still fail to teach, disclose or suggest Applicant's amended claim 21 limitations of

a single gasket, a resilient mounting ring, and a mounting flange having a coned shaped inner surface, wherein the mounting ring is elastically expandable and is integrally formed with an outer cone-shaped surface and with an inner rib, the rib fits into said groove upon elastically expanding the ring over a pipe to hold the ring affixed to the pipe when tightened towards the counter-flange, the pipe coupling connects the pipe to a counter-flange associated with another pipe in a sealed manner, and the pipe is formed with a circumferential groove.

Moreover, the assertions made in the Office Action on page 7 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP 2143 cannot be found. And, since neither Baker, Hanes, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claim 21, as listed above, Applicant's amended claim 21 is not obvious over Baker in view of Hanes since a *prima*

*facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that indirectly depends from amended claim 21, namely claim 27, would also not be obvious over Baker in view of Hanes for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claim 27 is respectfully requested.

E. It is asserted in the Office Action that claims 28 and 33 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker and further in view of U. S. Patent 3,284,112 issued to Martin (“Martin”). Applicant respectfully traverses the aforementioned rejection for the following reasons.

Applicant’s claims 28 and 33 either directly or indirectly depend on amended claim 21. Applicant has addressed Baker above in section I(A) regarding amended claim 21.

Martin is relied on for disclosing circular recesses. If Martin is combined with Baker, the effect of adding circular recesses would obviate Baker’s invention. Further, even if Martin is combined with Baker, the resulting invention would still fail to teach, disclose or suggest Applicant’s amended claim 21 limitations of

a single gasket, a resilient mounting ring, and a mounting flange having a coned shaped inner surface, wherein the mounting ring is elastically expandable and is integrally formed with an outer cone-shaped surface and with an inner rib, the rib fits into said groove upon elastically expanding the ring over a pipe to hold the ring affixed to the pipe when tightened towards the counter-flange, the pipe coupling connects the pipe to a counter-flange associated with another pipe in a sealed manner, and the pipe is formed with a circumferential groove.

Moreover, the assertions made in the Office Action on page 8 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP 2143 cannot be found. And, since neither Baker, Martin, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claim 21, as listed above, Applicant's amended claim 21 is not obvious over Baker in view of Martin since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that

directly or indirectly depend from amended claim 21, namely claims 28 and 33, would also not be obvious over Baker in view of Martin for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claims 28 and 33 is respectfully requested.

F. It is asserted in the Office Action that claim 29 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker in view of Martin, and further in view of U. S. Patent 1,976,589 issued to Trickey ("Trickey"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

Applicant's claim 29 indirectly depends on amended claim 21. Applicant has addressed Baker in view of Martin above in section I(E) regarding amended claim 21.

Trickey is relied on for disclosing a gasket with an inner slot. If Trickey is combined with Baker and Martin, the effect of a gasket with an inner slot would obviate Baker's invention as it would not operate properly to form a metal-to-metal sealing engagement. Further, even if Trickey is combined with Baker and Martin, the resulting invention would still fail to teach, disclose or suggest Applicant's amended claim 21 limitations of

a single gasket, a resilient mounting ring, and a mounting flange having a coned shaped inner surface, wherein the mounting ring is elastically expandable and is integrally formed with an outer cone-shaped surface and with an inner rib, the rib fits into said groove upon elastically expanding the ring over a pipe to hold the ring affixed to the pipe when tightened towards the counter-flange, the pipe coupling connects the pipe to a counter-flange associated with another pipe in a sealed manner, and the pipe is formed with a circumferential groove.

Moreover, the assertions made in the Office Action on page 9 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP 2143 cannot be found. And, since neither Baker, Martin, Trickey, and therefore, nor the combination of the three, teach, disclose or suggest all the limitations of Applicant's amended claim 21, as listed above, Applicant's amended claim 21 is not obvious over Baker in view of Martin, and further in view of Trickey since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that indirectly depends from amended claim 21,

namely claim 29, would also not be obvious over Baker in view of Martin, and further in view of Trickey for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claim 29 is respectfully requested.

**G.** It is asserted in the Office Action that claim 30 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker in view of Martin in view of Trickey and further in view of U. S Patent 6,367,803 issued to Loth ("Loth").

Applicant's claim 30 indirectly depends on amended claim 21. Applicant has addressed Baker in view of Martin and further in view of Trickey above in section I(F) regarding amended claim 21.

Loth is relied on for disclosing a gasket formed with a thin flap. If Loth is combined with Baker, Martin and Trickey, the effect of a gasket formed with a thin flap would obviate Baker's invention as the invention simply doesn't require or have a place for such a gasket; and it would not operate properly to form a metal-to-metal sealing engagement. Further, even if Loth is combined with Baker, Martin and Trickey, the resulting invention would still fail to teach, disclose or suggest Applicant's amended claim 21 limitations of

a single gasket, a resilient mounting ring, and a mounting flange having a coned shaped inner surface, wherein the mounting ring is elastically expandable and is integrally formed with an outer cone-shaped surface and with an inner rib, the rib fits into said groove upon elastically expanding the ring over a pipe to hold the ring affixed to the pipe when tightened towards the counter-flange, the pipe coupling connects the pipe to a counter-flange associated with another pipe in a sealed manner, and the pipe is formed with a circumferential groove.

Moreover, the assertions made in the Office Action on page 10 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP 2143 cannot be found. And, since neither Baker, Martin, Trickey, Loth, and therefore, nor the combination of the four, teach, disclose or suggest all the limitations of Applicant's amended claim 21, as listed above, Applicant's amended claim 21 is not obvious over Baker in view of Martin, in view of Trickey, and further in view of Loth since a *prima facie* case of

obviousness has not been met under MPEP §2142. Additionally, the claim that indirectly depends from amended claim 21, namely claim 30, would also not be obvious over Baker in view of Martin, in view of Trickey and further in view of Loth for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claim 30 is respectfully requested.

**H.** It is asserted in the Office Action that claim 36 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker, and further in view of U. S. Des. 284,022 issued to Milot et al. ("Milot").

Applicant's claim 36 indirectly depends on amended claim 21. Applicant has addressed Baker above in section I(A) regarding amended claim 21.

Milot is relied on for disclosing a flange with arcuate projections. Even if Milot is combined with Baker, the resulting invention would still fail to teach, disclose or suggest Applicant's amended claim 21 limitations of

a single gasket, a resilient mounting ring, and a mounting flange having a coned shaped inner surface, wherein the mounting ring is elastically expandable and is integrally formed with an outer cone-shaped surface and with an inner rib, the rib fits into said groove upon elastically expanding the ring over a pipe to hold the ring affixed to the pipe when tightened towards the counter-flange, the pipe coupling connects the pipe to a counter-flange associated with another pipe in a sealed manner, and the pipe is formed with a circumferential groove.

Moreover, the assertions made in the Office Action on page 11 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP 2143 cannot be found. And, since neither Baker, Martin, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claim 21, as listed above, Applicant's amended claim 21 is not obvious over Baker in view of Milot since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that indirectly depends from amended claim 21, namely claim 36, would also not be obvious over Baker in view of Milot for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claim 36 is respectfully requested.

I. It is asserted in the Office Action that claim 37 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker, and further in view of U. S. Patent 2,779,610 issued to Risley ("Risley"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

Applicant's claim 37 directly depends on amended claim 21. Applicant has addressed Baker above in section I(A) regarding amended claim 21.

Risley is relied on for disclosing an elastic band. If Risley is combined with Baker, the effect would obviate Baker's invention as it would not operate properly to form a metal-to-metal sealing engagement. Further, even if Risley is combined with Baker, the resulting invention would still fail to teach, disclose or suggest Applicant's amended claim 21 limitations of

a single gasket, a resilient mounting ring, and a mounting flange having a coned shaped inner surface, wherein the mounting ring is elastically expandable and is integrally formed with an outer cone-shaped surface and with an inner rib, the rib fits into said groove upon elastically expanding the ring over a pipe to hold the ring affixed to the pipe when tightened towards the counter-flange, the pipe coupling connects the pipe to a counter-flange associated with another pipe in a sealed manner, and the pipe is formed with a circumferential groove.

Moreover, the assertions made in the Office Action on page 12 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP 2143 cannot be found. And, since neither Baker, Risley, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claim 21, as listed above, Applicant's amended claim 21 is not obvious over Baker in view of Risley since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that indirectly depends from amended claim 21, namely claim 37, would also not be obvious over Baker in view of Risley for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claim 37 is respectfully requested.

**J.** It is asserted in the Office Action that claims 38 and 39 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker in view of Risley and further in view of U. S. Patent 2,779,610 issued to Seiler (“Seiler”). Applicant respectfully traverses the aforementioned rejection for the following reasons.

Applicant’s claims 38 and 39 indirectly depend on amended claim 21. Applicant has addressed Baker in view of Risley above in section I(I) regarding amended claim 21.

Seiler is relied on for disclosing a segmented ring. If Seiler is combined with Baker and Risley, the effect would obviate Baker’s invention as it would not operate properly to form a metal-to-metal sealing engagement. Further, even if Seiler is combined with Baker and Risley, the resulting invention would still fail to teach, disclose or suggest Applicant’s amended claim 21 limitations of

a single gasket, a resilient mounting ring, and a mounting flange having a coned shaped inner surface, wherein the mounting ring is elastically expandable and is integrally formed with an outer cone-shaped surface and with an inner rib, the rib fits into said groove upon elastically expanding the ring over a pipe to hold the ring affixed to the pipe when tightened towards the counter-flange, the pipe coupling connects the pipe to a counter-flange associated with another pipe in a sealed manner, and the pipe is formed with a circumferential groove.

Moreover, the assertions made in the Office Action on page 14 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP 2143 cannot be found. And, since neither Baker, Risley, Seiler, and therefore, nor the combination of the three, teach, disclose or suggest all the limitations of Applicant's amended claim 21, as listed above, Applicant's amended claim 21 is not obvious over Baker in view of Risley, and further in view of Seiler since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that indirectly depend from amended claim 21,

namely claim 38 and 39, would also not be obvious over Baker in view of Risley, and further in view of Seiler for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claims 38 and 39 is respectfully requested.

**K.** It is asserted in the Office Action that claim 40 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker. Applicant respectfully traverses the aforementioned rejection for the following reasons.

Applicant's claim 40 directly depends on amended claim 21. Applicant has addressed Baker above in section I(A) regarding amended claim 21.

As asserted above, Baker does not teach, disclose or suggest Applicant's claim 21 limitations of

a single gasket, a resilient mounting ring, and a mounting flange having a coned shaped inner surface, wherein the mounting ring is elastically expandable and is integrally formed with an outer cone-shaped surface and with an inner rib, the rib fits into said groove upon elastically expanding the ring over a pipe to hold the ring affixed to the pipe when tightened towards the counter-flange, the pipe coupling connects the pipe to a counter-flange associated with another pipe in a sealed manner, and the pipe is formed with a circumferential groove.

Further, the assertions made in the Office Action on page 15 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP 2143 cannot be found. Additionally, since Baker does not teach, disclose or suggest all the limitations of Applicant's amended claim 21, as listed above, Applicant's amended claim 21 is not obvious over Baker in view of no other prior art since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly depends from amended claim 21, namely claim 40, would also not be obvious over Baker in view of no other prior art for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claim 40 is respectfully requested.

**CONCLUSION**


In view of the foregoing, it is submitted that claims 21-40 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

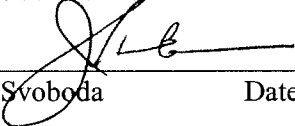
Dated: December 18, 2007

By:   
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**CERTIFICATE OF TRANSMISSION**

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Jean Svoboda Date: December 18, 2007